

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

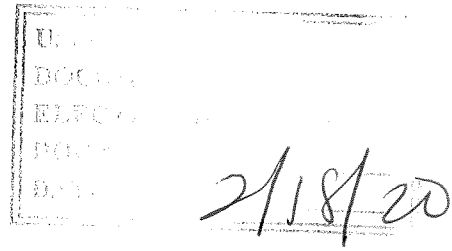
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BYRON SANTOS,

Plaintiff,

v.

GOVERNOR ANDREW CUOMO, individually
and in his official capacity; COMMISSIONER
ANTHONY ANNUCCI, individually and in his
official capacity; SUPERINTENDENT
ROBERT MORTON, JR.; and CORRECTION
OFFICER R. FELDMAN, individually and in
his official capacity,

Defendants.
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ORDER

19 CV 5398 (VB)

On December 3, 2019, defendants Anthony Annucci and Robert Morton, Jr., moved to dismiss plaintiff's complaint, and mailed to plaintiff, who is proceeding pro se and in forma pauperis, copies of the motion and supporting documents. (Docs. ##22-23).

By Order dated December 26, 2019, the Court extended to January 30, 2020, plaintiff's time to oppose the motion. (Doc. #26).

To date, plaintiff has failed to oppose the motion or seek an extension of time to do so.

Accordingly, it is HEREBY ORDERED:

The Court sua sponte extends to March 17, 2020, plaintiff's time to oppose the motion to dismiss. **If plaintiff fails to respond to the motion by March 17, 2020, the motion will be deemed fully submitted and unopposed.**

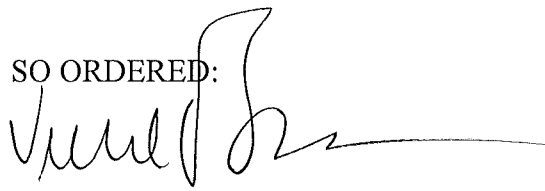
If plaintiff opposes the motion, defendants' reply, if any, shall be due March 31, 2020.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk is directed to mail a copy of this Order to plaintiff at the address on the docket.

Dated: February 18, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge